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**Courtyard Manor of Livonia and Local 79, Service Employees International Union.** Cases 7-CA-46452, 7-CA-46673, 7-CA-46860, 7-CA-46907, and 7-CA-47054

August 31, 2006

**SUPPLEMENTAL DECISION AND ORDER**

BY MEMBERS LIEBMAN, SCHAUMBER, AND KIRSANOW

The General Counsel seeks a default judgment in this case on the ground that the Respondent has failed to file an answer to the amended compliance specification.

On January 20 and April 21, 2004, the Board issued Decisions and Orders in Cases 7-CA-46452 and 7-CA-46673,<sup>1</sup> and Cases 7-CA-46860, 7-CA-46907, and 7-CA-47054,<sup>2</sup> respectively, that, among other things, ordered the Respondent to make whole Andrea Walker, Sheila Webb, Angela Thomas Butts, Teresa Benton, and Tanissa May for any loss of earnings and benefits they may have suffered as a result of the Respondent's unfair labor practices in violation of Section 8(a)(3) and (1) of the Act. On June 21 and August 19, 2004, the United States Court of Appeals for the Sixth Circuit entered its judgments enforcing the Board's Orders.<sup>3</sup>

A controversy having arisen over the amounts of backpay due the discriminatees, on May 25 and June 2, 2006, the Regional Director issued a compliance specification and an amended compliance specification, respectively, alleging the amounts due under the Board's Orders. The amended compliance specification notified the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the amended compliance specification, the Respondent failed to file an answer.

By certified letter dated June 26, 2006, the Regional Attorney advised the Respondent that no answer to the amended compliance specification had been received and that unless an answer was filed by July 3, 2006, a motion for default judgment would be filed. To date, the Respondent has not filed an answer.

On July 11, 2006, the General Counsel filed with the Board a Motion for Default Judgment and a memorandum in support, with exhibits attached. On July 19, 2006, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the

motion should not be granted. The Respondent did not file a response. The allegations in the motion and in the amended compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on the Motion for Default Judgment**

Section 102.56(a) of the Board's Rules and Regulations provides that a respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) provides that if the respondent fails to file an answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Default Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the amended compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the amended compliance specification to be admitted as true, and grant the General Counsel's Motion for Default Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the amended compliance specification and we will order the Respondent to pay those amounts to the discriminatees, plus interest accrued to the date of payment.

**ORDER**

The National Labor Relations Board orders that the Respondents, Courtyard Manor of Livonia, Livonia, Michigan, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest accrued to the date of payment, as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and State laws:

Teresa Benton	\$12,795.76
Tanissa May	\$8,091.99
Angela Thomas Butts	\$19,538.59
Andrea Walker	\$27,552.62
Sheila Webb	\$18,545.84

**TOTAL BACKPAY:** \$86,524.80

<sup>1</sup> 341 NLRB No. 4 (2004).

<sup>2</sup> 341 NLRB No. 85 (2004).

<sup>3</sup> 04-1550 and 04-1858.

Dated, Washington, D.C. August 31, 2006

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Wilma B. Liebman, Member

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Peter C. Schaumber, Member

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Peter N. Kirsanow, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD